

Application No.: 10/533,275
Filing Date: November 9, 2005

REMARKS

The foregoing amendments and the following remarks are responsive to the June 30, 2008 Office Action (the "Office Action").

Claim Rejections:

While Applicant respectfully disagrees with the Examiner's rejections, to advance prosecution, Applicant has amended one or more claims to address the Examiner's comments. Applicant is not acquiescing to the rejections and reserves the right to pursue in a related application claims at least as broad as the amended claims prior to the amendments set forth herein. Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Claim Rejections – 35 U.S.C. 102 – Claims 1-2, 6-8, 10-16, 18-24, and 26-33:

The Examiner rejected Claims 1-2, 6-8, 10-16, 18-24, and 26-33 under 35 U.S.C. 102(b) as being anticipated by PCT International Application Publication No. WO 84/01904 ("Swanbeck"). Respectfully stated, none of Claims 1-2, 6-8, 10-16, 18-24, and 26-33 is anticipated by Swanbeck under 35 U.S.C. 102(b) because Swanbeck does not show every element of each claim arranged as in each claim. *See* MPEP §2131. Moreover, Swanbeck also does not render obvious any of these claims.

Independent Claims 1, 15 and 22

As discussed during the interview, Applicant has amended Claims 1, 15, and 22 to distinctly point out the distinctions between the inventions set forth in Claims 1, 15, and 22 and the apparatuses disclosed in Swanbeck.

In particular, Applicant has amended Claims 1, 15, and 22 to distinctly point out that "switching in the flowpath [is] between [1)] supply of a fluid from the fluid reservoir, [2]) recirculation of the fluid in the flowpath, and [3)] a combination of the supply and the recirculation." Swanbeck does not disclose or suggest means for flow switching between 1), 2), and 3) as identified above.

Applicant also submits that Claims 1, 15, and 22 would not be obvious in view of Swanbeck and, further, that dependent Claims 2, 6-8, 10-14, 16, 18-21, 23-24, and 26-33 are not

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anticipated or suggested by, or obvious in view of Swanbeck for at least the same reasons as for the claim or claims from which they depend, and also because they each recite further patentable distinctions.

Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 1-2, 6-8, 10-16, 18-24, and 26-33 in view of the amendments and clarifications listed above.

Claim Rejections – 35 U.S.C. 103 – Claims 3-5, 17, and 25:

Claims 3-5 and 17:

The Examiner rejected Claims 3-5 and 17 under 35 U.S.C. 103 as being unpatentable over Swanbeck in view of PCT International Application Publication No. WO 00/50143 (“Burbank”). Respectfully stated, Claims 3-5 and 17 are not unpatentable over Swanbeck in view of Burbank because Burbank does not overcome Swanbeck’s failure to disclose or suggest all of the limitations set forth in the claims from which Claims 3-5 and 17 depend (described above).

Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 3-5 and 17 in view of the amendments and clarifications listed above.

Claim 25:

The Examiner rejected Claim 25 under 35 U.S.C. 103 as being unpatentable over Swanbeck. Claim 25 is not unpatentable over Swanbeck because of Swanbeck’s failure to disclose or suggest all of the limitations set forth in the claims from which Claim 25 depends (described above).

Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claim 25 in view of the amendments and clarifications listed above.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this

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application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In conclusion, Applicant respectfully submits that the pending claims as amended or otherwise are not anticipated by, or rendered obvious by, any of the references cited in the Office Action for the reasons stated herein or during the October 6, 2008 interview with the Examiner. Accordingly, the Applicant respectfully requests that the Examiner pass the pending claims to allowance. The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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By: _____


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